

AUG 31 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Mark Hirsh

Serial No.: 10/012,202

Art Unit: 1615

Filed: December 5, 2001

Examiner: Sheikh, Humera, N.

For: *COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE  
ANTI-HISTAMINES*Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**PETITION TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. §§ 1.48(a) AND 1.48(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.48(a) and 1.48(b), applicants respectfully request correction of the inventorship of the above-identified application, to add Jane Hirsh and Whe-Yong Lo as joint inventors. The requested and correct inventorship is as follows:

1. Mark Hirsh;
2. Jane Hirsh; and
3. Whe-Yong Lo

U.S.S.N. 10/012,202  
Filed: December 3, 2001  
PETITION TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. §§ 1.48(a) and 1.48(b)

Pursuant to 37 C.F.R. §§ 1.48(a) and 1.48(b), submitted with this petition are:

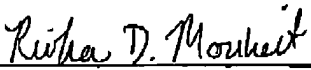
1. Executed Statement by Jane Hirsh pursuant to 37 C.F.R. § 1.48(a)(2), stating that the error occurred without deceptive intent on her part;
2. Executed Statement by Whe-Yong Lo pursuant to 37 C.F.R. § 1.48(a)(2), stating that the error occurred without deceptive intent on her part;
3. Executed Declaration by actual inventors Mark Hirsh, Jane Hirsh, and Whe-Yong Lo as required by 37 C.F.R. § 1.63.
4. Executed Consent to Correct Inventorship by assignee Collegium Pharmaceutical, Inc., with attached Statement Under 37 CFR §3.73(b) and a copy of the executed Assignment of rights from Jane Hirsh and Whe-Yong Lo to Collegium Pharmaceutical, Inc.;
5. Fee Transmittal;
6. Permission to charge \$130.00 to Deposit Account No. 50-3129 to cover the fee required under 37 C.F.R. § 1.17(i); and
7. A Supplemental Application Data Sheet, which names all of the inventors.

It is believed that no additional fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 50-3129.

U.S.S.N. 10/012,202  
Filed: December 5, 2001  
PETITION TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. §§ 1.48(a) and 1.48(b)

Having fulfilled the requirements of 37 C.F.R. §§ 1.48(a) and 1.48(b), Applicants respectfully request that this Petition to Correct Inventorship be granted and that the above-identified application be amended to name the actual inventors.

Respectfully submitted,

  
\_\_\_\_\_  
Rivka D. Monheit  
Reg. No. 48,731

Date: August 31, 2004

PABST PATENT GROUP LLP  
400 Colony Square, Suite 1200  
1201 Peachtree Street  
Atlanta, Georgia 30361  
(404) 879-2151  
(404) 879-2160 (Facsimile)

**ASSIGNMENT**

**We, Whe-Yong Lo of 65 Bayberry Road, Canton, Massachusetts 02021, and Jane Hirsh of 15 Peirce Road, Wellesley, Massachusetts 02481, in consideration of ten dollars and other valuable consideration paid to us by Collegium Pharmaceutical, Inc., a corporation of the State of Delaware, having its principal place of business at 400 Highland Corporate Drive, Cumberland, Rhode Island 02864 (hereinafter "said Assignee"), the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Assignee, its successors and assigns, the entire interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE ANTIHISTAMINES*" described in U.S. Serial No. 10/012,202 filed in the United States Patent and Trademark Office on December 5, 2001, by Mark Hirsh, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said Assignee and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said Assignee, with specifications and claims in such form as shall be approved by the counsel of said Assignee, and to vest and confirm in said Assignee, its successors and assigns, the legal title to all such patents.**

Title: "COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE ANTIHISTAMINES"  
By: Mark Hirsh  
Filed: December 5, 2001  
ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said Assignee, its successors and assigns.

WITNESS my hand and seal this 27th day of August, 2004.

Whe-Yang Lo  
Whe-Yang Lo  
yang was 8-27-04

Rhode Island  
State of Massachusetts new 8/27/04 )  
County of Providence )

Then personally appeared the above named Whe-Yang Lo and acknowledged the foregoing instrument to be his free act and deed, before me this 27th day of August, 2004.

Wendy Woods  
Notary Public

My Commission expires: Wendy-Ann Woods  
Notary Public  
State of Rhode Island  
My Commission Expires  
March 1, 2008



Title: "COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE ANTIHISTAMINES"  
By: Mark Hirsh  
Filed: December 5, 2001  
ASSIGNMENT

WITNESS my hand and seal this 26 day of August, 2004.

Jane Hirsh  
Jane Hirsh

State of ~~Massachusetts~~ Rhode Island )  
County of Providence )

Then personally appeared the above named Jane Hirsh and acknowledged the foregoing instrument to be her free act and deed, before me this 26 day of August, 2004.

Wendy Woods  
Notary Public

My Commission expires: \_\_\_\_\_

Wendy-Ann Woods  
Notary Public  
State of Rhode Island  
My Commission Expires  
March 1, 2008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark Hirsh

Serial No.: 10/012,202

Art Unit: 1615

Filed: December 5, 2001

Examiner: Sheikh, Humera, N.

For: *COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE  
ANTI-HISTAMINES*Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450STATEMENT BY WHE-YANG LO  
PURSUANT TO 37 C.F.R. § 1.48(a)(2)

Sir:

*Whe*  
*Yong 8-27-04*

I, Whe-Yang Lo, hereby state that I am a joint inventor of the above-identified application. The inventorship of the above-identified application was set forth in error in that I was not named as a joint inventor. I hereby state that the error in inventorship occurred without deceptive intent on my part.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

*Aug 27. 04**Whe*  
Whe-Yang Lo*Yong whe 8-27-04*

45050026

CP 103  
085387.6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Mark Hirsh

Serial No.: 10/012,202

Art Unit: 1615

Filed: December 5, 2001

Examiner: Sheikh, Humera, N.

For: *COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE  
ANTI-HISTAMINES*Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**STATEMENT BY JANE HIRSH  
PURSUANT TO 37 C.F.R. § 1.48(a)(2)**

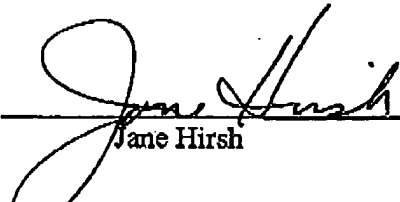
Sir:

I, Jane Hirsh, hereby state that I am a joint inventor of the above-identified application.

The inventorship of the above-identified application was set forth in error in that I was not named as a joint inventor. I hereby state that the error in inventorship occurred without deceptive intent on my part.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

Aug 26, 2001  
Jane Hirsh

45050025

CP 103  
085337.6



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Hirsh

Serial No: 10/012,202

Art Unit: 1615

Filed: December 5, 2001

Examiner: Sheikh, Humera, N.

For: *COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE  
ANTI-HISTAMINES*Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**CONSENT TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. § 1.48(a)(5)**

Sir:

As assignee of record of the interest of the above-identified application, as demonstrated by the attached Statement Under 37 C.F.R. § 3.73(b) and Assignment, consent is hereby granted to correct inventorship of the above-identified application to add Jane Hirsh and Whe-Yong Lo as joint inventors.

The error in inventorship was made without deceptive intent on the part of Collegium Pharmaceutical, Inc.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or

45050022

CP 103  
085337.6

U.S.S.N.: 10/012,202

Filed: December 5, 2001

**CONSENT TO CORRECT INVENTORSHIP**

imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**COLLEGIUM PHARMACEUTICAL, INC.**

Date: 8/27/04

Name: *Michael Helbermann*Title: *President*Signature: *[Handwritten Signature]*

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CP 103  
085337.6

PTO/SB/98 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Mark HirshApplication No./Patent No.: 10/012,202 Filed/Issue Date: December 5, 2001Entitled: Compositions Containing Both Sedative and Non-Sedative AntihistaminesCollegium Pharmaceutical, Inc., a corporation of the State of Delaware  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Mark Hirsh To: Peirce Management, LLC  
The document was recorded in the United States Patent and Trademark Office at  
Reel 012583, Frame 0025, or for which a copy thereof is attached.
2. From: Peirce Management, LLC To: Collegium Pharmaceutical, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 014820, Frame 0651, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

8/27/04  
Date  
401-762-2000  
Telephone number

Michael Heffernan  
Typed or printed name  
[Signature]  
Signature  
President  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/01A (08-03)

Approved for use through 06/30/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE ANTIHISTAMINES</b>
As the below named inventor(s), I/we declare that:	
This declaration is directed to:	
<input type="checkbox"/> The attached application, or	
<input checked="" type="checkbox"/> Application No. <u>10/012,202</u> , filed on <u>December 5, 2001</u>	
<input type="checkbox"/> as amended on _____ (if applicable);	
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;	
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;	
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.	
All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.	

<b>FULL NAME OF INVENTOR(S)</b>	
Inventor one: <u>Mark Hirsh</u>	
Signature: <u>Mark Hirsh</u>	Citizen of: <u>United States</u>
Inventor two: <u>Jane Hirsh</u>	
Signature: <u>Jane Hirsh</u>	Citizen of: <u>United States</u>
Inventor three: <u>Whe-Yang Lo</u>	
Signature: <u>Whe-Yang Lo</u>	Citizen of: <u>United States</u>
Inventor four: _____	
Signature: _____	Citizen of: _____
<input type="checkbox"/> Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**SUPPLEMENTAL APPLICATION DATA SHEET****Inventor Information**

Inventor One Given Name:: Mark  
Family Name:: Hirsh  
Postal Address Line One:: 15 Peirce Street  
City:: Wellesley  
State or Province:: MA  
Country:: USA  
Postal or Zip Code:: 02481  
Citizenship Country:: USA

Inventor Two Given Name:: Jane  
Family Name:: Hirsh  
Postal Address Line One:: 15 Peirce Street  
City:: Wellesley  
State or Province:: MA  
Country:: USA  
Postal or Zip Code:: 02481  
Citizenship Country:: USA

Inventor Three Given Name:: Whe-Yong  
Family Name:: Lo  
Postal Address Line One:: 65 Bayberry Road  
City:: Canton  
State or Province:: MA  
Country:: USA  
Postal or Zip Code:: 02021  
Citizenship Country:: USA

U.S.S.N. 10/012,202  
Filed: December 5, 2001  
Supplemental Application Data Sheet

**Correspondence Information:**

Correspondence Customer Number:: 23579  
Telephone:: 404-879-2151  
Fax:: 404-879-2160  
Electronic Mail One:: Jeanette@pabstpatent.com  
Electronic Mail Two:: Patrea@pabstpatent.com

**Application Information:**

Title Line One:: COMPOSITIONS CONTAINING BOTH SEDATIVE  
Title Line Two:: AND NON-SEDATIVE ANTIHISTAMINES  
Total Drawing Sheets:: 0  
Formal Drawings?:: No  
Application Type:: Utility  
Docket Number:: CP 103  
Secrecy Order in Parent Appl.?:: No

Assignee:: Collegium Pharmaceutical, Inc.  
State of Incorporation:: DE

**Representative Information**

Representative Customer Number:: 23579